

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

22-CR-9-JLS-HKS

UNITED STATES OF AMERICA,

v.

SENTENCING MEMORANDUM

MICHAEL LANHAM,

Defendant.

I represent the defendant, Michael Lanham. On October 9, 2023, Mr. Lanham entered a guilty plea to a violation of 18 U.S.C. § 2251(a) and (e) (production of child pornography after conviction for a prior sex offense). Sentencing in the case is scheduled for April 19, 2024. I respectfully submit this sentencing memorandum for the Court's consideration at sentencing.

In the plea agreement, the parties agree to seek a sentence of 360 months under Rule 11(c)(1)(C). We respectfully request that the Court accept this agreement and impose a sentence of 360 months.

Mr. Lanham understands that he has been convicted of a very serious offense and he accepts full responsibility for his actions. He is committed to spending his time in prison to work toward bettering himself. In particular, he plans to participate in sex offender treatment while incarcerated. He is requesting that the Court recommend the Bureau of Prisons designate him to FCI Elkton in Ohio, which is the closest BOP facility that has a sex offender treatment program (https://www.bop.gov/inmates/custody_and_care/sex_offenders.jsp).

While incarcerated, he is also interested in pursuing vocational training as a cook so that when he ultimately completes his sentence he can seek gainful employment. The PSR notes that Mr. Lanham obtained a culinary certification while at the Northeast Ohio Correctional Facility in

2022, he intends to continue training in that field.

Mr. Lanham has suffered from mental health issues throughout his life, including suicide attempts, bipolar disorder, anxiety, and ADHD. While in treatment at Mid-Erie in 2011, Mr. Lanham was diagnosed with Asperger's/Autism Spectrum Disorder. Additionally, as described in the PSR at paragraph 104, Mr. Lanham was victimized himself at a young age. While none of these factors excuse Mr. Lanham's actions in this case, they are things he intends to address and focus on while in treatment. Mr. Lanham is presently receiving medication and participating in mental health treatment while incarcerated at Northeast Ohio. He understands this treatment will be a necessary part of his life going forward and he is committed to continuing it.

For all of these reasons, we respectfully request that the Court impose the agreed upon sentence of 360 months and recommend that Mr. Lanham be designated to FCI Elkton in Ohio.

We also respectfully request that the Court bifurcate the issue of restitution and issue a briefing schedule so that the parties may address the various restitution requests separate from sentencing. As part of the plea agreement, Mr. Lanham agreed not to oppose bifurcation of the restitution determination (Plea at ¶26). I have discussed this request with AUSA Caitlin Higgins and the Government agrees with our request for bifurcation.

DATED: Buffalo, New York, April 13, 2024

Respectfully submitted,

/s/ Brian P. Comerford

Brian P. Comerford
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341, (716) 551-3346 (Fax)
brian_comerford@fd.org
Counsel for Defendant Michael Lanham

TO: Caitlin Higgins
Assistant United States Attorney

Lisa B. Ferraro
United States Probation Officer